

AMENDED IN ASSEMBLY APRIL 28, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 78

Introduced by Assembly Member Portantino
(Coauthor: Assembly Member Torlakson)

December 18, 2008

An act to amend Sections 48800, 48800.5, 48802, and 76001 of, and to add Section 48800.6 to, the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 78, as amended, Portantino. Pupils: concurrent enrollment in community college and secondary or elementary school.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state.

Existing law authorizes the governing board of a school district to determine which pupils would benefit from advanced scholastic or vocational work. In addition, existing law authorizes the governing board of a school district to authorize these pupils, with parental permission, to attend community college as special part-time students to undertake one or more courses of instruction at the community college level, in order to provide these eligible pupils with educational enrichment opportunities.

This bill instead would authorize school districts to enter into partnerships with community college districts to provide secondary school pupils *who have exhausted all opportunities to enroll in an*

equivalent course at the high school of attendance, adult education program, continuation school, regional occupational center or program, or any other program offered by the local governing board with the opportunity to benefit from advanced scholastic, career-technical, or other coursework at a campus of the California Community Colleges. The bill would, on or before January 1, 2011, and each year thereafter, require the Chancellor of the California Community Colleges to report to the Department of Finance and the Legislature the number of pupils who enroll in community college pursuant to these provisions, the courses these pupils enroll in, and the number of these pupils who receive a passing grade.

Existing law requires the principal of a school to determine whether a pupil meets various criteria before recommending the pupil for community college summer session, and prohibits the principal from recommending for community college summer session attendance more than 5% of the total number of pupils from any particular grade level who completed that grade immediately prior to the time of recommendation, except as specified.

This bill would delete those provisions.~~The bill would provide a procedure for a pupil who has not yet attained secondary school level to receive approval from a school district governing board in order to attend a community college. The bill would specify that these pupils would be included in the calculation of full-time equivalent students for the purposes of determining the amount of the state apportionment to be received by a community college district. The~~

The bill would prohibit a community college district from receiving an allowance or apportionment for an instructional activity for which a school district has been, or will be, paid. The bill would also make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Campuses of the California Community Colleges are located
- 4 throughout California, providing an educational resource for all
- 5 communities.

1 (b) Some high school students are allowed to take classes at
2 community colleges. These students are called “special-admits”
3 and they participate in “concurrent enrollment programs,” mainly
4 targeted at “advanced education,” primarily defined as college-level
5 work.

6 (c) There are strict limits on this activity in law, providing these
7 opportunities to only 5 percent of any high school class during
8 summer sessions, and restricting the types of classes students may
9 take to include only “advanced education” in most cases.

10 (d) A serious abuse of concurrent enrollment by a few school
11 and community college districts several years ago resulted in
12 statutory reform and restriction on this type of enrollment.

13 (e) The current restrictions inhibit local ability to make
14 maximum use of community college facilities and opportunities,
15 and the time has come to encourage and expand these valuable
16 programs, but with appropriate statutory prohibitions to guard
17 against a repeat of the abuses of the past.

18 (f) Allowing high school pupils to take community college
19 courses could provide benefits to pupils and to the state in a wide
20 array of opportunities, including more opportunities for advanced
21 scholastic work, career-technical partnerships and coursework,
22 basic skills remediation, preparation for the high school exit
23 examination, English as a second language, and dropout prevention.

24 (g) Exposure to college classes and the college environment
25 while in high school improves college participation rates.

26 (h) Concurrent enrollment saves money for both the state and
27 the students and provides for more effective use of facilities.

28 SEC. 2. Section 48800 of the Education Code is amended to
29 read:

30 48800. (a) (1) The governing board of a school district may
31 enter into a partnership with a community college district to provide
32 secondary school pupils *who have exhausted all opportunities to*
33 *enroll in an equivalent course at the high school of attendance,*
34 *adult education program, continuation school, regional*
35 *occupational center or program, or any other programs offered*
36 *by the local governing board* with the opportunity to benefit from
37 advanced scholastic, career-technical, or other coursework at a
38 campus of the California Community Colleges. The intent of this
39 section is to provide a smoother transition from high school to
40 college for pupils by providing them with greater exposure to the

1 collegiate atmosphere, and to maximize the educational
2 opportunities available to California's secondary school pupils by
3 encouraging programs and partnerships between school districts
4 and community college districts, including, but not limited to,
5 advanced scholastic, college-level, and career-technical
6 coursework, summer school opportunities, high school exit
7 examination preparation, English as a second language, basic skills
8 remediation, and dropout intervention.

9 (2) A secondary school pupil, upon notification of the principal
10 of the pupil's school of attendance *that the pupil has exhausted*
11 *all opportunities to enroll in an equivalent course at the high*
12 *school of attendance, adult education program, continuation*
13 *school, regional occupational center or program, or any other*
14 *program offered by the local governing board*, and with parental
15 consent if the pupil is under 18 years of age, may attend a
16 community college during any session or term as a special part-time
17 or full-time student and undertake one or more courses of
18 instruction offered at the community college.

19 (b) A pupil shall receive credit for community college courses
20 that he or she completes at the level determined appropriate by the
21 governing boards of the school district and community college
22 district.

23 (c) *On or before January 1, 2011, and each year thereafter, the*
24 *Chancellor of the California Community Colleges shall report to*
25 *the Department of Finance and the Legislature the number of*
26 *pupils who enrolled in community college pursuant to subdivision*
27 *(a), the courses that these pupils enrolled in, and the number of*
28 *these pupils who received a passing grade.*

29 SEC. 3. Section 48800.5 of the Education Code is amended to
30 read:

31 48800.5. (a) A parent or guardian of a pupil, regardless of the
32 pupil's age or class level, may petition the governing board of the
33 school district in which the pupil is enrolled to authorize the
34 attendance of the pupil at a community college as a special
35 full-time student on the ground that the pupil would benefit from
36 the instruction that would thereby be available. If the governing
37 board denies the petition, the pupil's parent or guardian may file
38 an appeal with the county board of education, which shall render
39 a final decision on the petition in writing within 30 days.

1 (b) A pupil who attends a community college as a special
2 full-time student pursuant to this section is exempt from
3 compulsory school attendance under Chapter 2 (commencing with
4 Section 46100) of Part 26.

5 (c) A parent or guardian of a pupil who is not enrolled in a public
6 school may directly petition the president of any community
7 college to authorize the attendance of the pupil at the community
8 college as a special part-time or full-time student on the ground
9 that the pupil would benefit from the instruction that would thereby
10 be available.

11 (d) Any pupil authorized to attend a community college as a
12 special full-time student shall, nevertheless, be required to
13 undertake courses of instruction of a scope and duration sufficient
14 to satisfy the requirements of law.

15 (e) For purposes of allowances and apportionments from the
16 State School Fund, a community college shall be credited with
17 additional units of average daily attendance attributable to the
18 attendance of special full-time students at the community college.

19 ~~SEC. 4. Section 48800.6 is added to the Education Code, to~~
20 ~~read:~~

21 ~~48800.6. (a) A pupil who has not yet attained secondary school~~
22 ~~level shall receive approval from the governing board of the school~~
23 ~~district that he or she attends before enrolling at a community~~
24 ~~college. A parent or guardian of a pupil who has not yet attained~~
25 ~~secondary school level may petition the governing board of the~~
26 ~~school district in which the pupil is enrolled in accordance with~~
27 ~~subdivision (a) of Section 48800.5.~~

28 ~~(b) A parent or guardian of a pupil who has not yet attained~~
29 ~~secondary school level may directly petition the president of any~~
30 ~~community college to authorize the attendance of the pupil at the~~
31 ~~community college as a special part-time or full-time student on~~
32 ~~the ground that the pupil would benefit from the instruction that~~
33 ~~would thereby be available.~~

34 ~~SEC. 5.~~

35 ~~SEC. 4. Section 48802 of the Education Code is amended to~~
36 ~~read:~~

37 ~~48802. (a) For purposes of allowances and apportionments~~
38 ~~from Section B of the State School Fund, a community college~~
39 ~~shall be credited with additional units of average daily attendance~~
40 ~~attributable to the attendance of pupils at the community college~~

1 as special part-time students pursuant to this article and as set forth
2 in Section 76002.

3 (b) A school district whose pupils attend a community college
4 as special part-time students pursuant to this article shall, for
5 purposes of allowances and apportionments from Section A of the
6 State School Fund, continue to receive credit for attendance by
7 those pupils computed in the manner prescribed by law, and a
8 pupil's attendance at school for the minimum schoolday shall be
9 deemed a day of attendance for purposes of making the
10 computation.

11 (c) A community college district shall not receive an allowance
12 or an apportionment for an instructional activity for which a school
13 district has been, or shall be, paid an allowance or an
14 apportionment.

15 ~~SEC. 6.~~

16 *SEC. 5.* Section 76001 of the Education Code is amended to
17 read:

18 76001. (a) The governing board of a community college district
19 may admit to any community college under its jurisdiction as a
20 special part-time or full-time student in any session or term any
21 student who is eligible to attend community college pursuant to
22 ~~Section 48800, 48800.5, or 48800.6.~~ *Section 48800 or 48800.5.*

23 (b) The attendance of a pupil at a community college as a special
24 part-time or full-time student pursuant to this section is authorized
25 attendance, for which the community college shall be credited or
26 reimbursed pursuant to Sections 48802 and 76002, provided that
27 no school district has received reimbursement for the same
28 instructional activity. Credit for courses completed shall be at the
29 level determined to be appropriate by the school district and
30 community college district governing boards.

31 (c) For purposes of this section, a special part-time student may
32 enroll in up to, and including, 11 units per semester, or the
33 equivalent thereof, at the community college.

34 (d) The governing board of a community college district shall
35 not assign a high priority for registration or enrollment to special
36 part-time or full-time students described in subdivision (a) in order
37 to ensure that these students do not displace regularly admitted
38 students.

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